

8/17/04 - 02364

MEETING MINUTES AND ACTION ITEMS

Restoration Advisory Board (RAB) For the Environmental Restoration of Western Vieques

Meeting Number 1 - August 17, 2004

I CALL TO ORDER AND WELCOMING REMARKS

The meeting began at 5:25 PM at the Lighthouse (El Faro) in Isabel Segunda. Susana Struve (CH2M HILL - Meeting Facilitator) welcomed those present and invited Restoration Advisory Board (RAB) members to sit around the table and non- members to sit behind (see Attachment I for attendees list).

Susana introduced the Spanish/English interpreters contracted by the Navy (Joaquín Font and Ute Spangler), and everyone else introduced himself or herself.

II ADMINISTRATION

II.a ADVERTISEMENT OF THE RAB MEETING

On August 4th, the Navy mailed welcome letters to all RAB members, including the proposed agenda for this meeting, along with minutes from the last Technical Review Committee (TRC) meeting in June, and a comparison between RAB and TRC in English and Spanish. This meeting was also advertised in the Vieques ~~Times~~ and via megaphone cars, to invite the public.

II.b APPROVAL OF MINUTES FROM PREVIOUS MEETING

During the next meeting, the minutes of this meeting will be reviewed; changes will be made if necessary.

A Spanish translation of these minutes can be found as attachment 2.

III UNFINISHED BUSINESS (left from the TRC)

III.a ACTION ITEMS REVIEW

During the next and future meetings, the old and new action items will be reviewed and discussed. Refer to the table below for a list of the "open" action items to be carried forward plus the additional action items that were added during the course of this meeting.

Description	Responsible Party	Status
Check on the availability of the "simultaneous translation equipment" either for purchase or rental.	Jeff Harlow-Navy	Open - Ongoing
Submit updated schedule of the investigation activities in western Vieques.	Jeff Harlow-Navy	Open - Ongoing
Check on an alternative "phone meeting" mechanism to expedite review of technical documents by the RAB members	Jeff Harlow-Navy and RAB community members	Open - Ongoing

Description	Responsible Party	Status
Check on the possibility of providing RAB members with a technical workshop to explain the risk assessment as the only tool driving the decision making process. Also, a workshop to explain the hydrogeology of Vieques and how it is assessed in the technical approach.	Jeff Harlow-Navy/CH2M HILL	Open - Ongoing
Provide a summary of the investigations completed to the new RAB membership, including the sites proposed for No Further Action, for review before the next RAB meeting	Jeff Harlow-Navy/ Susana Struve-CH2M HILL	Closed - See attachment 3
Distribute a Spanish Translation of the Charter as soon as possible.	Susana Struve-CH2M HILL	Closed -- See attachment 4
Provide a glossary of acronyms most commonly used.	Jeff Harlow-Navy/ Susana Struve-CH2M HILL	Closed - See attachment 5
Elect the Community Co-Chair	RAB Community members	Open – New
Send a letter to the Mayor ask him to appoint an official Municipality representative to the RAB	Jeff Harlow-Navy	Open – New
Follow up with Cindy Turlington (Navy (CNO) representative to the 2004 RAB training) about the statement that in other RABs, the community sees the list of TAPP contract candidates	Jeff Harlow-Navy	Open – New
Provide RAB members with a copy of the UST (located at the former Gas Station) Removal Report	Madeline Rivera-Navy	Open – Report will be available at the next RAB meeting
Provide comments in writing to NAVFAC Atlantic, with supportive data, regarding presumptive error with the sampling and well location due to the GPS readings at AOC E.	Rafael Cruz Pérez	Open – New
Report back to the RAB about the outcome of their suggestion to move the background monitoring well (near Building 401)	Jeff Harlow-Navy	Closed - (suggestion implemented)

III.b TAPP CONSULTANT

- Stacy Notine (RAB member) asked about the status of the Technical Assistance for Public Participation (TAPP) contract. Jeff Harlow indicated he will try to award the contract by August 30, 2004.
- A RAB member asked if the community members could see the short list of TAPP contract candidates. Jeff stated that after contacting the Navy Contracting Officer it is not possible.
- Jorge Fernández Porto (RAB community member) stated that whoever wins the contract must be a person that the community trusts. This concern should be elevated to the Contracting Officer. He also thanked the Navy for including the TRC community members' recommended changes to the scope of work for the TAPP contract, which gives the community the opportunity to evaluate the TAPP contractor's performance and evaluate the selected candidate if he/she is not performing as expected.

- Jeff Harlow (Navy Co-Chair) explained that the Navy received only three proposals for the TAPP contract. Jeff will send them a Request for Proposal (RFP), their submission will be then be analyzed and the contract will be awarded.
- A RAB member asked what would happen if none of the people who proposed on the TAPP contract accepts the solicitation? Jeff answered that the Navy contract process will need to start again.
- Nilda Medina (RAB member) stated that the TAPP contractor should be able to communicate with the community and highlighted the importance of having a TAPP consultant who speaks Spanish.
- Questions were asked about how much TAPP funds have been used, how much is left, and what were they used for? Jeff Harlow indicated TAPP funds are limited to \$100,000 for the whole life of the Installation Restoration Program. The Vieques TRC/RAB has spent \$25,000 of this \$100,000 so far. Susana noted how important is for RAB members to use these funds wisely, since it is the community's needs which drives the allocation of funds to selected report reviews.

IV NEW BUSINESS

IV.a ABOUT RESTORATION ADVISORY BOARDS

Susana presented basic information about RABs (policies and objectives), including how the TRC for western Vieques evolved into a RAB; the structure of the current RAB membership; and the roles of RAB community members, agencies, Community Co-Chair, and the appointed Navy Co-chair (Jeff Harlow). Copies of the presentations were available in English and Spanish for all attendees.

Summary of questions and discussion:

- Dr. Juan Fernández (Commissioner for Vieques and Culebra) clarified that the correct name to address his office's membership on the RAB is, "Office of the Commissioner for Vieques and Culebra." This allows for a representative from his office to attend the meetings in case he cannot. The names and address of the Vice-commissioner and their consultant should be added to the mailing list. *[Note: Vice Commissioner Radamés Tirado and the consultant Rafael Cruz Pérez are already on the mailing list as regularly invited guests to the RAB. Even with the Commissioner listed as the RAB member, whoever attends in his place would be considered an Alternate member acting as his representative.]*
- Sixto Pérez (RAB member) asked for clarification on the slide that states that RAB members do not make decisions as a group. Susana pointed out that this is bit different from the way the TRC functioned, where recommendations were generally presented as a group: RAB members provide advice as individuals. *[Note: Under CERCLA regulations and Department of Defense policies, cleanup decisions are the responsibility of the regulators (EPA and EQB) and the responsible party (Navy). In doing so, they will consider the RAB members' ideas and suggestions, along with other public comments.]*
- Jorge Fernández Porto (RAB member) asked why there are only two RAB co-chairs, when under the TRC there were three, and if one will represent the local Vieques government (Municipality of Vieques - MOV)?

- Susana Struve explained that under the TRC, MOV appointed a Municipality Co-Chair based on their status of landowner, before a Community Co-Chair was added (to be more like a RAB). Following the same criteria, then the Department of Interior (DOI)/United States Fish and Wildlife Service (USFWS), and the Puerto Rico Conservation Trust should also be represented by Co-Chairs. This brings up the next question, which is how many Co-chairs should be represented in this RAB to allow a good meeting flow and efficient planning?
- Susana Struve stated that it is important for the community to elect their Community Co-Chair soon and to think about including more Co-Chair representation if they deemed it necessary.
- Susana reminded the RAB that Pablo Connelly had been representing MOV and the community at the same time at the TRC. Since Pablo applied to this RAB as an individual and not as an MOV representative, Susana asked the RAB members to discuss this issue and bring it to the table for the next meeting.

IV.b SUMMARY OF RAB CO-CHAIRS TRAINING EVENT

To increase public participation and information sharing, the Navy sponsored Pablo Connelly (former TRC Co-chair, now RAB member) to attend 2004 Navy and Marine Corps Restoration Advisory Board Training Workshop held in Salt Lake City, Utah from July 23-25, 2004. Pablo gave a summary of what was discussed at the training, which addressed topics including funds, munitions response, groundwater, and others.

- Pablo heard that the investigation and cleanup of Vieques has been funded from FY06 to completion in FY14. Funding for Vieques will have an increased budget of \$300 Millions. *[Note: Official information on funding for Vieques can be found in the Annual Congressional Report from the Library of Congress.]*
- Pablo mentioned that Cindy Turlington, who was the Commander of Navy Operations, CNO) representative to the RAB training, stated that in other RABs the community sees the list of TAPP contract candidates. Jeff will check with Cindy to gather specific information on this issue.
- Pablo stated that the cleanup of the lands should be done to the level corresponding to the future land use. Since MOV is part owner of the land, they should be part of the RAB, too. Pablo is now a member of the RAB as an individual, and does not represent MOV. He added that a letter should be sent to the Mayor of Vieques requesting a representative from MOV to this RAB.
- There is a maximum of \$100,000 per installation in TAPP funds for the entire duration of the clean up project. Pablo's opinion is that since Vieques is divided into two facilities (West and East) there should be two TAPP contracts and the funds should be doubled.
- Daniel Rodriguez (Environmental Protection Agency - Caribbean Environmental Division Representative - EPA) mentioned that when Vieques is included in EPA's National Priority List (NPL), East and West Vieques will be addressed as one facility. We will discuss this further when the official listing is finalized.
- Pablo said that during the training he learned that the community should not accept a No Further Action (NFA) decision without following the four steps for clean up. He thinks that the Navy stopped at step 1 for Area of Concern (AOC) E.

- Pablo said that he brought to the attention of the Navy's CNO at the RAB training, his opinion that the cleanup of the beaches in Vieques is not being addressed effectively.
- Jeff Harlow and Félix López responded that Chris Penny (Navy Vieques Project Coordinator) and CH2M HILL are currently working on a plan for evaluation and removal of munitions on eastern Vieques. The beaches and roads used by the public will be a part of this.

IV.c RAB OPERATIONAL PROCEDURES

IV.c.1 DRAFT CHARTER

Susana distributed a copy of the Draft Charter developed by the TRC. This charter will be used as the basis for developing a final charter for the RAB.

- Community members asked that if they can compare this document with a charter from another RAB and recommend changes. *[Note: Samples of other RAB charters will be available at the next RAB meeting.]*
- Jeff Harlow stated that any recommendation will be evaluated and negotiated among the RAB membership.

IV.c.2 ELECTING A COMMUNITY CO-CHAIR

- Susana Struve urged the community members to elect a Co-Chair for the community. Ricardo Jordán (RAB member) proposed leaving Colleen McNamara (former TRC Co-Chair and current RAB member) as the interim Co-Chair, until the RAB community members elect their new representative to the RAB.
- The community members will meet to elect a Community Co-Chair who will represent the RAB members, hopefully by the next RAB meeting.
- Community members asked if their Co-Chair would be invited to the CERCLA Technical Committee (CTC) meetings.
- Susana explained that Pablo Connelly has been invited to the CTC meetings as MOV's representative to the CTC, not as a TRC Co-Chair. This issue will be discussed further when the Community Co-Chair is elected and the RAB is functioning effectively, allowing a fair communication flow among the entire RAB membership.

IV.d STATUS REPORT ON WESTERN VIEQUES INVESTIGATIONS

Jeff Harlow explained the status of the investigations. Attachment 3 is a map and more detailed summaries of the status of the sites.

- When discussing AOC E, Pablo requested a copy of the Underground Storage Tank (UST) (located at the former Gas Station) Removal Report. *[Note: a copy of this report will be provided available at the next RAB meeting.]*
- A community member asked if the groundwater would be investigated at AOC E. They also asked for an explanation of how the oil detected at the septic tank near the AOC E arrived there. Madeline Rivera explained that this septic tank supported the vehicle maintenance shop and the mechanics cleaned both vehicle parts and their hands in the sink, therefore discharging oil and grease into this septic tank.

- Rafael Cruz Pérez stated a presumptive error with the sampling and well location due to the GPS readings. He stated that due to this error, the groundwater is shown to go uphill. Navy asked him to put his comments, with supportive data, in writing in order for the Navy to be able to reply to him.
- Regarding AOC R, Pablo Connelly asked if the signs to be placed at AOC R would say "UXO Investigation Site". Jeff Harlow stated that the items found at these sites were checked by a UXO expert, who said that they look like inert bombs. The Navy is actively investigating the site to be able to draw conclusions on how to approach these munitions-related items. Jeff added that the Navy is taking the most conservative approach and is treating these items as explosives to be on the safe side. We have to prepare an Explosive Safety Work Plan to be approved by the Department of Defense Explosives Safety Board (DDESB) before we further investigate this site.
- Jorge Fernández Porto stated that AOC R and AOC J should not be investigated independently, because there is not a complete set of data on the historic use of these two sites. It could be that both are part of the same site.
- Jorge also stated that the Navy proposed a monitoring well for background besides a fuel tank support structure by building 401. This location shall not be used as background; therefore the well location should be changed.
- Community members asked where the is Navy taking the investigation-derived waste (IDW, water/soil/inert explosives items) that is generated during the investigations? Jeff Harlow explained that the Navy follows strict regulations, which dictate the disposal decisions for each type of waste. [Note: With regards to all the investigation work on the island, no waste which was hazardous has been generated at this point in time. Investigation Derived Wastes (IDW) from the PA/SI in 2000 was disposed of on Vieques. The soil was removed from the drums and transported to the Vieques Municipal Landfill with the laboratory data showing that the soil was not hazardous. The water was disposed of at the Municipal Waste Water Treatment Plant. In addition the scrap metal that was generated during the SWMU 4 work was certified free of explosives prior to shipment to the main island. The metal was sent to the Defense Reutilization Marketing Office (DRMO) Roosevelt Roads for recycling. The lots of scrap metal that went to DRMO was re-certified inert by Navy EOD technicians and transported to a recycling facility, Borinquen Metals, Gurabo, PR. Currently we have IDW drums segregated from three separate field events: AOC E RI, West Vieques RI (SWMU 6, SWMU 7, AOC H, and AOC J), and East Vieques Phase I RFI. AOC E has 16 soil drums and 7 water drums; West Vieques has 20 soil drums and 4 water drums; and East Vieques has 11 soil drums and 22 water drums. The total is 47 soil and 33 water; 80 total drums. Caribe Hydroblast Environmental Inc (CHED) has been contracted to transport the drums from Vieques to dispose of the IDW at the Browning-Ferris Industry (BFI) facility. CHED is a licensed waste hauler. The IDW, all non-hazardous by Toxicity Characteristic Leaching Procedure (TCLP) was certified by a chemist from a Puerto Rico as non-hazardous.]

V. CLOSING

V.a SUGGESTED TOPICS FOR THE NEXT MEETING

The next meeting is scheduled for October. More information will be distributed closer to that date.

Suggested topics will include:

- Consider and discuss question of additional Co-Chairs representing the landowners (MOV, FWS)
- More information on the Underground Storage tanks (UST) removed from gas station near AOC E, and overall UST procedures
- Organize a tour of the sites being investigated on the west

V.b COMMENTS AND QUESTIONS FROM THE PUBLIC

For future meetings, if the public has questions or suggestions, these will be captured under this heading.

VI ADJOURNMENT

The meeting was adjourned at 8:35 p.m.